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Notice of Allowability	Application No.	Applicant(s)	
	10/820,778	KAWANOBE, OSAMU	
	Examiner	Art Unit	
	Renata McCloud	2837	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/22/2005.
2. ☒ The allowed claim(s) is/are 1-11.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).


* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>11/16/2005</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |


MARLON T. FLETCHER
 PRIMARY EXAMINER

DETAILED ACTION

Allowable Subject Matter

1. Claims 1-11 are allowed. The following is an examiner's statement of reasons for allowance:

Claims 1-10: The prior art fails to teach or make obvious a control device determining whether a holder/gas stay that is holding a door at a full-open position, has failed based on the number of times a clutch has engaged, the controller being in an automotive power pivot door including a hinge device for permitting a door to pivot upward and downward between full-open and full-close positions about an upper end thereof relative to a vehicle body, a reversible electric motor for driving the door to pivot upward and downward when energized and an electromagnetic clutch interposed between the motor and the door to selectively establish and break a torque transmission path from the motor to the door, a control device for controlling the power pivot door, the control device having a control unit that is configured to carry out a routine which comprises: de-energizing the motor and disengaging the clutch when the door is lifted up to the full-open position; detecting a moved distance by which the door moves down from the full-open position within a first predetermined time from the time on which the clutch is disengaged; engaging the clutch when the detected moved distance is equal to or longer than a first predetermined distance; disengaging the clutch again when a second predetermined time passes from the time on which the clutch is engaged; repeating the process for engaging and disengaging the clutch while following the routine; and judging that the holder fails to operate when the frequency of the engaged condition of the clutch indicates a predetermined frequency.

Claim 11: The prior art fails to teach or make obvious a control device determining whether a holder that is holding a door at a full-open position, has failed based on the number of times a clutch has engaged, the controller being in a door including a reversible electric motor

Art Unit: 2837

for driving the and an electromagnetic clutch interposed between the motor and the door to selectively establish and break a torque transmission path from the motor to the door, a control device for controlling the power pivot door, the control device having a control unit that is configured to carry out a routine which comprises: de-energizing the motor and disengaging the clutch when the door is in the full-open position; detecting a moved distance by which the door moves from the full-open position within a first predetermined time from the time on which the clutch is disengaged; engaging the clutch when the detected moved distance is equal to or longer than a first predetermined distance; disengaging the clutch again when a second predetermined time passes from the time on which the clutch is engaged; and judging that the holder fails to operate based on the number of times the clutch has engaged.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Renata McCloud whose telephone number is (571) 272-2069. The examiner can normally be reached on Mon.- Fri. from 8 am - 5pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on (571) 272-2800 ext. 4. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2837

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Renata McCloud
Examiner
Art Unit 2837

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MARLON T. FLETCHER
PRIMARY EXAMINER